Analyzing Laws and Policies

**1. The Safe and Drug-Free Schools and Communities Act** The Safe and Drug-Free Schools and Communities Act State and Local Grants Program, authorized by the 1994 Elementary and Secondary Education Act, provides funding for developing and implementing programs that help prevent youth from participating in drug use and violence. It also helps fund programs that train teachers to prevent these activities at the classroom level both during and after school. This is a federal law that allows states to apply for money to fund these programs.

**2. Gun-Free Schools Act (GFSA)** In 1994, Congress passed this law designed to decrease school violence. The law mandates that any state receiving federal funds must pass a state law to expel for a minimum of one year any student who brings to school or is found in possession of a firearm or other weapon. The school must also refer such a student to the criminal justice or juvenile delinquency system. The chief administering officer of the local school may modify the one-year expulsion on a case-by-case basis.

**3. School Bullying Prevention Act** The governor of the state of Oklahoma signed the School Bullying Prevention Act in 2002. This act requires each school district to create policies that prevent bullying, intimidation, and harassment by students. Policies need to include methods for addressing bullying that occurs as well as programs to educate students, parents, and teachers and to prevent bullying. This is a state law that imposes requirements on local school districts.

**4. Cyberbullying Policy** Most states require school districts to create policies that prevent bullying. *Cyberbullying* is a type of bullying that involves information and communication technologies, such as computers and cell phones with Internet access. In 2009, Lake County School District in Florida revised its regular anti-bullying policy to specifically prohibit cyberbullying, which includes posting slurs, rumors, or disparaging remarks about other students in a chat room or through instant messaging, and using camera phones to take or send embarrassing photographs of other students. The policy also states that the district can and will investigate and take action no matter what time or place the cyberbullying occurs.

**5. Children’s Internet Protection Act** The Children’s Internet Protection Act (CIPA) was signed into law in 2000. It blocks schools from allowing student access to harmful material found on the Internet. CIPA requires schools that get funding for the E-rate program (a lower-cost communications program for schools and libraries) to block student access to sites that are considered obscene, pornographic, or unsafe for minors; to develop a plan to monitor the online activities of minors; and to create a safety policy for Internet use by minors. This is a federal law that may inform local policies.

**6. Gang Prosecution Act** This law, enacted by the Maryland legislature in 2007, allows school administrators and police to share more information with each other about students. The law is intended to help prevent gang activity and to allow schools and police to be more effective in combating gang activities both in and outside of school. The law requires courts to share information about delinquent activities by juveniles, and requires teachers to report any “suspected gang or gang-like activity” to school administrators and school resource officers, who then meet with prosecutors and police to share information. This state law imposes requirements on local police and school department policies.

**7. Title IX of the Education Amendments of 1972** This federal law, enacted in 1972, requires gender equity for boys and girls in educational programs. The law is often used in reference to sports activities in schools, but it also applies to many other areas, including college, students who become parents, learning environment, and testing. There have been many lawsuits to fight for Title IX and gender equity in a variety of programs, and some of them have been controversial, including the application of Title IX to single-sex teams and organizations. This law applies to all public and private education programs that receive money from the federal government.

**8. Public Schools Cell Phone Policy** Since 2006, cell phones have been officially banned from New York City’s public schools. Many parents have responded negatively to this policy, insisting that they need a way to get in touch with their children in the event of an emergency. Students have found ways to sneak cell phones into school, and many have had them confiscated by school personnel. The mayor and the Schools Chancellor have described cell phones as being distracting and disruptive. They point out that cell phones are often used for cheating and other disruptive activities, such as taking inappropriate pictures. They also point out that cell phones are one of the most frequently stolen items in schools. This is a local policy.

**9. Public Schools Search and Seizure Policy** Since this policy was adopted in 1980 (updated in 2008), school administrators in Cincinnati, Ohio, may do random, unannounced searches of any areas that are the property of the Cincinnati Public School District, including lockers and desks. The School Board has authorized the use of metal detectors to search for forbidden items. Students may also be searched if the administrator has reasonable suspicion that they are in possession of a forbidden item. The School Board has supported this policy as being protective of the health and safety of the school community. This is a local policy.

**10. Equal Access Act** The Equal Access Act of 1984 is a U.S. federal law that requires all secondary schools receiving federal funds to provide equal access to extracurricular clubs. Religious groups lobbied for the act to allow students the right to conduct Bible study classes on school grounds during lunch and before and after school. The act is also important in giving gay students the right to form groups. According to the act, schools that receive federal funds and have at least one non-curriculum club that meets before or after school must allow students to organize other clubs and give them equal access to meeting space, bulletin boards, and school newspapers. Clubs must not be disruptive, and they can be monitored by school personnel. A school can opt out of this act by prohibiting all non-curriculum clubs.

**11. The Individuals with Disabilities Education Act** The Education for All Handicapped Children Act, a federal law, was enacted in 1975. In 1990, this law was renamed the Individuals with Disabilities Education Act. The law, which resulted from lawsuits by parents of disabled children, requires states and public agencies to provide free education and all special education services to disabled children and youth from birth to age 21. The law applies to children with serious emotional disturbance, learning disabilities, mental retardation, traumatic brain injury, autism, vision and hearing impairments, physical disabilities, and other health impairments.